

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Aviation

AGENDA DATE: March 30, 2010

CONTACT PERSON NAME AND PHONE NUMBER: Monica Lombrana, A.A.E. – 780-4793

DISTRICT(S) AFFECTED: 3

SUBJECT:

Resolution authorizing the City Manager to sign the First Amendment to the La Placita Lease Agreement by and between the City of El Paso and ShoeSpring, Inc. dba Spira for the purpose of extending the term to March 31, 2011.

The rental rates are as follows:

1,065 S.F. @ \$20.00/sf = \$21,300.00 per year (Minimum Annual Guarantee)

or

The Percentage Fee of 15% of the Lessee's Gross Receipts, whichever is greater.

BACKGROUND / DISCUSSION:

ShoeSpring, Inc. dba Spira currently has a lease agreement for premises located in the La Placita Shopping Mall ("La Placita") on the lower level of the terminal building. EPIA and Spira desire to amend the Agreement for the purpose of extending the term an additional year for the sole purpose of operating a retail facility for the sale of ShoeSpring and Spira Shoes and related products.

PRIOR COUNCIL ACTION:

La Placita Lease Agreement by and between the City of El Paso and ShoeSpring, Inc. dba Spira effective April 1, 2007 was approved by City Council on March 20, 2007.

AMOUNT AND SOURCE OF FUNDING:


N/A – Revenue Generating

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager be authorized to sign the First Amendment to the La Placita Lease Agreement by and between the City of El Paso and ShoeSpring, Inc.TM dba SpiraTM for the purpose of extending the term to March 31, 2011.

ADOPTED this ____ day of _____ 2010.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Theresa Cullen
Theresa Cullen
Deputy City Attorney

APPROVED AS TO CONTENT:

Monica Lombrana
Monica Lombrana, A.A.E.
Director of Aviation

STATE OF TEXAS)
)
COUNTY OF EL PASO) **FIRST AMENDMENT TO
LA PLACITA LEASE AGREEMENT**

This First Amendment to the La Placita Lease Agreement is made by and between the City of El Paso ("Lessor") and ShoeSpring, Inc.™ dba Spira™("Lessee").

WHEREAS, the Lessor and Lessee entered into a La Placita Lease Agreement ("Agreement") with an effective date of April 1, 2007 granting Lessee the right to lease space in the La Placita Shopping Mall on the lower level of the El Paso International Airport terminal building;

WHEREAS, Lessor and Lessee now desire to amend the Agreement for the purpose of extending the term an additional year to expire March 31, 2011.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **EXTENDED TERM.** The Lessor and Lessee mutually agree that the term of the Agreement is hereby extended through March 31, 2011.
2. **EFFECTIVE DATE.** Regardless of the date of execution, this First Amendment shall be effective on April 1, 2010.
3. **TERMS AND CONDITIONS.** All remaining terms and conditions of the Agreement not specifically amended by this First Amendment shall remain in full force and effect.

(SIGNATURES BEGIN ON THE FOLLOWING PAGE)

IN WITNESS WHEREOF, this amendment was executed on this _____ day of _____ 2010.

LESSOR: CITY OF EL PASO

Joyce A. Wilson
City Manager

APPROVED AS TO FORM:

Theresa Cullen
Theresa Cullen
Deputy City Attorney

APPROVED AS TO CONTENT:

Monica Lombraña
Monica Lombraña, A.A.E.
Director of Aviation

ACKNOWLEDGMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this _____ day of _____ 2010, by **Joyce A. Wilson** as **City Manager** of the **City of El Paso**.

My Commission Expires:

Notary Public, State of Texas

(SIGNATURES CONTINUE ON FOLLOWING PAGE)

IN WITNESS WHEREOF, this amendment was executed on this _____ day of _____
2010.

LESSEE: ShoeSpring, Inc.™ dba
Spira™

By: Michael J. Kotowski

Name: Michael J. Kotowski

Title: Controller

ACKNOWLEDGMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 8th day of March
2010, by Michael Kotowski as Controller of
ShoeSpring, Inc.™ dba Spira™.



Cheryl E. Hoppe
Notary Public, State of Texas

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL
PASO: